IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 47937-M of 2006

DATE OF DECISION : 27.11.2006

Rajpal Singh alias Khaja Singh and others

.... PETITIONERS

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. G.S. Singhpuria, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Mr. R.K. Samyal, Advocate,
for respondent No.2.

* * *

Petitioners, apprehending their arrest in a non-bailable offence in complaint under Section 3 of the SC & ST (Prevention of Atrocities) Act, 1989 and Sections 323/354/504/148/149 IPC, filed by respondent No.2, have filed this petition under Section 438 Cr.P.C for anticipatory bail.

Counsel for the petitioners contends that the aforesaid complaint has been filed totally on concocted facts. No such incident ever took place and the petitioners have been falsely implicated with an oblique motive, as petitioner No.3 had lodged FIR No. 202 dated 22.9.2004 under Sections 452/506/427/148/149 IPC, registered at Police Station City Mansa against son of the complainant. To put pressure upon petitioner No.3 and as a counter blast, the aforesaid complaint was filed by the complainant. Counsel for the petitioners contends that the aforesaid complaint is severe mis-use of the provisions of the SC & ST (Prevention of Atrocities) Act. Counsel for respondent No.2-complainant has not disputed the fact that prior to lodging of the aforesaid complaint, petitioner No.3 had lodged FIR

No. 202 dated 22.9.2004. Counsel for the petitioners submits that in terms

of the order dated August 17, 2006, the petitioners have appeared before the trial court and furnished their regular bail bonds, which have been accepted and attested and since then, the petitioners are regularly appearing. This fact has also not been disputed by counsel for respondent No.2.

In view of the above, without expressing any opinion on the merits of the case, the interim bail, granted vide order dated August 17, 2006, is made absolute.

November 27, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**